



# Local Government (Emergency Provisions) Act 1916

## 1916 CHAPTER 12

An Act to make provision with respect to Officers and Servants of Local Authorities serving in or with His Majesty's Forces and to make various administrative-provisions with a view to economy in money and labour in connection with the present War. [17th May 1916]

BE IT ENACTED by the King's most Excellent Majesty/by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

### PART I

#### PROVISIONS AS TO OFFICERS OF LOCAL AUTHORITIES IN NAVAL OR MILITARY SERVICE

##### **1 Payments to officers, &c. of local authorities in naval or military service**

- (1) Any local authority may grant leave of absence to any officer or servant for as long a period as may be necessary to enable him to serve in or with His Majesty's forces for the purposes of the present war, and the local authority may—
  - (a) whilst he is so serving pay to him or to his wife or other dependants nominated by him a sum which shall not, without the sanction of the Local Government Board, exceed his civil remuneration after deducting therefrom the amount of his naval or military pay and allowances; and
  - (b) in the event of his death, for a period not exceeding twenty-six weeks after the date on which he is notified to his widow or other dependants as dead or missing, pay to her or them sums calculated at the same rate as those previously paid to him, her or them:

Provided that—

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- (i) in fixing the sum to be paid to the widow or other dependant of a deceased officer or servant regard shall be had to any pension or other sum payable to the widow or other dependant out of any public or charitable fund ; and
  - (ii) it shall not be incumbent on the local authority to reduce any payment made to an officer or servant on the ground that during his service with the forces he has become or becomes entitled to increased naval or military pay in consequence of receiving a commission or promotion in rank.
- (2) This section shall apply to the case of an officer or servant of a local authority who before the passing of this Act took service in or with His Majesty's forces with the sanction or permission of the local authority, and any resolution, promise, sanction or permission, passed or given by a local authority to any such officer or servant with a view to his serving in or with His Majesty's forces, shall be binding on the local authority to the extent and only to the extent to which it could have been passed or given if the provisions of this Act had been in force :

Provided that where before the passing of this Act a local authority has resolved, promised, sanctioned or agreed to make payments in excess of the amounts authorised by this section, any such excess payments up to the date of the passing of this Act, or such later date as may be determined by the Local Government Board, shall be deemed to have been lawfully made, and the Local Government Board shall sanction the continuance of such excess payments after such date as aforesaid in any case where it appears to them that the man joined His Majesty's forces in reliance on such resolution, promise, sanction or agreement, and that the amount of the excess is not unreasonable.

- (3) On the application of a local authority the Local Government Board may determine any question as to what amount may be paid under this section.
- (4) Where the scale of payments for its officers and servants serving in or with His Majesty's forces adopted by a local authority is in accordance with, or does not exceed the scale of, payments for the time being laid down for officers and servants of His Majesty's civil service so serving it shall not be necessary for any such local authority to obtain the sanction of the Local Government Board as required by this section, and any payments made in accordance with such scale shall be deemed to be and to have been lawfully made.

## **2 Payments under superannuation schemes**

If an officer or servant of a local authority dies whilst serving in or with His Majesty's forces, or in consequence of wounds or disease received or contracted during such service which prevented him from returning to the service of the local authority, the local authority shall have, and shall be deemed always to have had, power to make to his widow or other dependants such payments as could have been made to them under any superannuation scheme (whether established by statute or otherwise) in force in the district had he been actually serving the local authority at the time of his death.

## **3 Reckoning service for superannuation**

- (1) All service by an officer or servant of a local authority in or with His Majesty's forces for the purposes of the present war shall, for the purposes of any enactment providing for the superannuation of such officers and servants applicable to his case, be aggregated and reckoned with his service as an officer or servant of the local authority,

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and, unless an agreement to the contrary has been made before the passing of this Act, he shall contribute to the superannuation fund (if any) the same amounts (if any) as he would have contributed if he had continued in their actual service and had received the normal remuneration of that service.

- (2) For the purposes of calculating the amount of such contributions and of superannuation allowances the amount of the salary or wages and emoluments during the period of service in or with His Majesty's forces shall be deemed to be the amount which the officer or servant would have received during that period if he had remained in the actual service of the local authority.
- (3) Nothing in this section shall affect the provisions of the Elementary School Teachers (Superannuation) Acts, 1898 to 1912, or of the Elementary School Teachers (War Service Superannuation) Act, 1914.

## PART II

### MISCELLANEOUS ADMINISTRATIVE PROVISIONS

#### **4 Allowances to persons appointed as temporary substitutes**

Where a person in receipt of a superannuation allowance under the Poor Law Officers' Superannuation Act, 1896, is appointed or employed as a temporary substitute for any officer or servant by any authority to whom that Act applies, the provisions of section six of that Act shall be construed so as not to deprive him of any such allowance whilst he continues to hold such temporary appointment or employment.

#### **5 Provisions as to notification of diseases**

Notwithstanding anything in the Infectious Disease (Notification) Act, 1889, or in any other Act, or in any Order of the Local Government Board, the following provisions shall have effect:—

- (a) The fee to be paid to a medical practitioner for a certificate or notification sent by him to a medical officer of health in respect of a case of disease to which the Act or Order applies, occurring in his private practice, shall be one shilling and no more;
- (b) Every case of any such disease occurring in any building, tent, van, shed, or similar structure in the occupation of any of His Majesty's forces, or of any person employed by or under the Admiralty, the Army Council, or the Minister of Munitions shall be notified to the medical officer of health of the district by the medical attendant if it would have been his duty to notify it if it had occurred elsewhere ; and the local authority shall pay to the medical attendant (unless he is a medical officer who holds a commission in any of His Majesty's forces) for the certificate or notification a fee of one shilling, whether the case occurs in his private practice or otherwise.

#### **6 Use of local authority's premises and officers for military purposes**

The use of any institution, building, or other premises belonging to any local authority for the accommodation of sick or wounded sailors or soldiers, or for other purposes in connection with the present war, and any expenditure incurred in connection therewith, shall be deemed to be and always to have been lawful, and the service or employment

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of any officers or servants of a local authority in or about any institution, building, or other premises so used or otherwise, with the consent of the local authority, in connection with the present war shall be deemed for all purposes to be and always to have been service or employment under that local authority :

Provided that, except in the case of—

- (a) a shire, county, town, or district hall and offices connected therewith; and
- (b) the temporary use of other premises in case of urgent necessity ;

this section shall not authorise the use after the passing of this Act for such purposes as aforesaid of any such institution, building, or premises unless the approval of the appropriate Government department has been obtained.

## **7 Expenses of Metropolitan Asylums Board**

All expenses of the Managers of the Metropolitan Asylum District incurred after the thirty-first day of March nineteen hundred and sixteen (including expenses in connection with the reception and relief of metropolitan casual paupers, but not including expenses incurred in connection with agreements made under section thirty-nine of the National Insurance Act, 1913), shall be defrayed as if they were expenses incurred for the purposes of section thirty-one of the Metropolitan Poor Act, 1867, and notwithstanding anything in that Act or any other enactment none of the said expenses shall be repayable out of the Metropolitan Common Poor Fund.

## **8 Calculation of sums repayable to guardians out of common poor fund**

The amount repayable out of the Metropolitan Common Poor Fund to any board of guardians in respect of the half-year ending the thirtieth day of September nineteen hundred and fifteen and any subsequent half-year shall be calculated as if (subject to such adjustments as may be necessary in consequence of the provisions of the last foregoing section) the gross amount expended by those guardians in respect of expenses which are to be repaid out of that fund had been—

- (a) In the case of a half-year ending on the thirtieth day of September, the gross amount expended by those guardians in respect of such expenses during the half-year ending on the thirtieth day of September nineteen hundred and fourteen; and
- (b) in the case of a half-year ending on the thirty-first day of March, the gross amount expended by those guardians in respect of such expenses during the half-year ending on the thirty-first day of March nineteen hundred and fourteen.

## **9 Calculation of amounts payable in respect of pauper lunatics**

The amounts payable or transferable by the London County Council under subsection (2) of section twenty-four and subsection (2) of section forty-one of the Local Government Act, 1888, on account of pauper lunatics in respect of the year ending the thirty-first day of March nineteen hundred and sixteen, or any subsequent year, shall instead of being calculated in manner provided in paragraphs (e), (f), and (g) of subsection (2) of section twenty-four be the amount payable or transferable in accordance with the said paragraphs in respect of the year ending on the thirty-first day of March nineteen hundred and fifteen.

**10 Payments by county councils in respect of salaries of medical officers of health and inspectors of nuisances**

If a temporary substitute is appointed with the sanction of the Local Government Board to replace any medical officer of health or inspector of nuisances who has been granted leave of absence in accordance with the provisions of this Act to serve in or with His Majesty's forces, the county council shall be liable under paragraph (c) of subsection (2) of section twenty-four of the Local Government Act, 1888, to pay to the local authority one half of the sum actually paid by the local authority to the medical officer or inspector of nuisances so replaced or his wife or other dependants nominated by him under this Act, and of the salary of the temporary substitute as sanctioned by the Local Government Board, taken together.

**11 Amendment of law as to locomotives on and near highways**

- (1) Section five of the Locomotives Act, 1898, shall have effect as if for subsection (1) thereof there were substituted subsection (1) of section twenty-five of the Local Government (Scotland) Act, 1908.
- (2) Section six of the Locomotives Act, 1865, and section two of the Locomotive Threshing Engines Act, 1894, shall have effect as if the proviso to each of those sections were omitted therefrom.

**12 Simplifying mode of giving sanctions, &c**

- (1) Notwithstanding any statutory or other provision requiring a sanction, assent, approval, authority or direction of the Local Government Board to be given, altered or varied by order or by instrument under seal, any such sanction, assent, approval, authority or direction may be given, altered or varied in a letter or other writing signed by a secretary or assistant secretary of the Board, and shall be as valid in all respects and shall have the same effect as if it had been given by an order of the Board or by an instrument under the seal of the Board, and for the purposes of the Documentary Evidence Act, 1868, as amended by any subsequent enactment, such letter or writing shall be deemed to be an order of the Board.
- (2) This section shall not apply to Scotland or Ireland.

**13 Removal of obligation to make certain returns and reports**

- (1) It shall be a sufficient compliance with the requirements of the Local Taxation Returns Acts, 1860 and 1877, the Municipal Corporations Act, 1882, and the Local Government Act, 1888, if a summary of the local taxation returns is laid before both Houses of Parliament instead of the abstract thereof required by those Acts.
- (2) A local authority shall not be required to report to the Local Government Board the proceedings of its assessment committee or to make to that Board any return of the superannuation allowances and gratuities paid under the Poor Law Officers' Superannuation Act, 1896.
- (3) It shall not be necessary to make out the accounts required by subsection (7) of section one of the London (Equalisation of Rates) Act, 1894.

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- (4) It shall not be necessary to present to the Local Government Board the account under Part II of the Housing of the Working Classes Act, 1890, required by section forty-four of that Act.
- (5) Section six of the Births and Deaths Registration Act, 1836, which relates to the preparation of general abstracts of the number of births, deaths, and marriages by the Registrar General, shall not be in force.
- (6) It shall not be necessary for the Board of Agriculture and Fisheries—
  - (a) to convene meetings of the representatives of local fishery committees required by section nine of the Sea Fisheries Regulation Act, 1888 ; or
  - (b) to make the annual report to Parliament required by section fifty-nine of the Small Holdings and Allotments Act, 1908, or to require county, borough, district, and parish councils to send to the Board reports of their proceedings under that Act.
- (7) It shall not be necessary for a metropolitan borough council to make the annual report of their proceedings or a list of the names and addresses of their members referred to in section one hundred and ninety-eight of the Metropolis Management Act, 1855, as amended by subsequent enactments.

#### **14 Provisions as to audit**

- (1) The powers given to the Local Government Board by section fifty-eight of the Local Government Act, 1894, to modify, with regard to any audit to which that section applies, the enactments as to publication of the notice of audit and of the abstract of accounts and the report of the auditor, shall extend and apply to the audit of all accounts of a local authority which are subject to audit by a district auditor.
- (2) Notwithstanding anything in any statute, the Local Government Board shall, in addition to the powers conferred on them by section five of the District Auditors Act, 1879, have power to prescribe the period for which the accounts of any local authority to which that section applies are to be made up and audited.

#### **15 Payments for returns of deaths under registration Acts**

Any expenses incurred in connection with information of deaths or other statistical information in pursuance of the directions of the Local Government Board under subsection (2) of section two of the Parliament and Registration Act, 1916, may, notwithstanding anything in the Acts relating to registration of electors, be charged and paid in such manner as the Local Government Board direct.

#### **16 Incorporation of joint committees, &c. under 1 & 2 Geo.5 c.55**

Every joint committee and every joint board constituted or to be constituted under subsection (3) of section sixty-four of the National Insurance Act, 1911, shall be a body corporate by such name as the Board by which it is constituted may direct, and shall have perpetual succession and a common seal and may hold land for the purposes of their powers and duties without licence in mortmain.

**17 Amendment of 5 & 6 Geo.5 c.76 s.1, as to casual vacancies**

- (1) Where at the date on which, but for the provisions of the Elections and Registration Act, 1915, the next statutory election would have taken place of the members of any council, board of guardians, body, or committee to which section one of that Act applies, or may be applied, there was a vacancy amongst those members, that vacancy may be filled in the manner provided by subsection (2) of section one of that Act, with respect to casual vacancies required to be filled by election ; and any person chosen to fill the vacancy shall hold office in the same manner in all respects as though his predecessor had remained in office until the date when the vacancy was filled.
- (2) The Elections and Registration Act, 1915, shall be deemed to have had effect so as to extend by one year in all cases the term of office of an alderman of a municipal borough.
- (3) This section shall be deemed to have had effect as from the passing of the Elections and Registration Act, 1915.

**18 Sanction of expenditure under the Naval and Military War Pensions, &c. (Expenses) Act, 1916**

The contributions made by a local authority towards the administrative expenses of a local or district committee under section two of the Naval and Military War Pensions, &c. (Expenses) Act, 1916, shall be subject to the sanction of the Local Government Board.

**19 Powers of sanitary authorities in connection with the storage of furniture**

It shall be lawful for any sanitary authority, if they think fit, to make or to join with any other sanitary authorities in making arrangements and to incur reasonable expenditure in connection with the storage of furniture and effects belonging to persons serving in or with His Majesty's forces (including the cost Of insurance against fire and other loss or damage), upon such terms and conditions as they may impose, and any expenditure incurred by the authority shall be defrayed out of any fund or rate out of which any expenses of the authority are payable.

**20 Prohibition of establishment of new routes for omnibuses**

- (1) Notwithstanding anything in any statute it shall not be lawful after the passing of this Act for any omnibus to ply for hire on, or use, any route which has not been regularly used by omnibuses plying for hire within two years prior to the first day of March nineteen hundred and sixteen, except with the consent of the highway authority or, if more than one, every highway authority liable for the maintenance and repair of the highways along which the route runs, which consent may be given on such conditions as the highway authority may consider fit, or, if, in the opinion of the Local Government Board, such consent is unreasonably refused, or if such conditions are unreasonable, without the consent of the Local Government Board ; and if any person drives an omnibus or allows an omnibus to be driven along any route in contravention of this provision, he shall, on summary conviction, be liable to a fine not exceeding five pounds and to a further penalty not exceeding forty shillings for every mile travelled by every omnibus in contravention of the provisions of this section, all penalties recoverable under this section to be paid into the funds of the highway authority concerned:

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Provided that nothing in this section shall apply where a route is altered in consequence of the temporary diversion of traffic on account of the breaking up of any road or in pursuance of the directions of any police authority or other directions lawfully given :

Provided also that nothing in this section shall apply to any omnibus plying for hire on, or using, any route in any case where the Admiralty, Army Council, or Minister of Munitions are of opinion that an omnibus service is necessary for and is to be used by munition workers or other persons engaged on Government war service.

- (2) This section shall not be deemed to detract from any existing powers of highway authorities in regard to omnibuses.
- (3) For the purposes of this section the expression " omnibus " includes every omnibus, char-a-banc, wagonette, brake, stage coach, or other carriage plying for hire or used to carry passengers at separate fares.

### PART III

#### GENERAL

## 21 Interpretation

For the purposes of this Act the expression " local authority " means any person or body of persons who receive or expend the proceeds of any local rate and any other public body which the Local Government Board may determine to be a local authority, but overseers of the poor shall not be included except by direction of that Board :

Provided that where any such authority is a police authority it shall not, as such, be deemed, for the purposes of Part I. of this Act, to be a local authority.

In England and Wales a teacher, officer, or servant appointed by the managers of a public elementary school not provided by the local education authority shall, and a teacher, officer, or servant of an institution aided by a local education authority out of the proceeds of any rate, may, if that authority think fit, be deemed, for the purposes of this Act, to be an officer or servant of the local education authority concerned.

Where the Board of Education certify to the Local Government Board that it is expedient that this Act shall apply to any public educational institution, this Act shall apply thereto, notwithstanding any trust affecting the institution, as if the managers or other governing body of the institution were a local authority, and the teachers, officers, and servants of the institution were officers and servants of a local authority.

For the purposes of this Act, or for such of them as may be specified by the Local Government Board, service in connection with naval or military operations which that Board consider may properly be treated in the same manner as actual naval or military service shall be deemed to be service with His Majesty's forces.

Except where the context otherwise requires the expression "allowances" means the separation allowances made to the wives and families and dependants of sailors and soldiers, and includes family allowances for soldiers living at their own homes in the United Kingdom.



The expression " civil remuneration " includes the salary or wages and other emoluments which the officer or servant would have been receiving if he had remained in the actual service of the local authority.

## **22 Application to Scotland**

In the application of this Act to Scotland the following Application provisions shall have effect:—

- (1) References to the Local Government Board shall be construed as references to the Secretary for Scotland or to such Scottish department as for any particular purpose or this Act may be designated by him, references to the Board of Education shall be construed as references to the Scotch Education Department, references to public educational institutions shall be construed as references to State-aided educational institutions, a reference to the Elementary School Teachers (Superannuation) Acts, 1898 to 1912, and to the Elementary School Teachers (War Service Superannuation) Act, 1914, shall be construed as a reference to the superannuation scheme for teachers made under section fourteen of the Education (Scotland) Act, 1908, and to the Education (Scotland) (War Service Superannuation) Act, 1914, respectively, references to a highway authority and references to a sanitary authority shall be construed as references to a county or town council and references to the Local Taxation Returns Acts, 1860 and 1877, and to local taxation returns shall be construed as references to the Local Taxation Returns (Scotland) Act, 1881, and section fifty-one of the Education (Scotland) Act, 1872, and to returns or abstracts thereunder respectively:
- (2) The Secretary for Scotland may, during the continuance of this Act, by order modify with respect to any audit of the accounts of a local authority the enactments as to publication of notice of the audit and of the abstract of accounts and any report of the auditor :
- (3) Any grant payable under any statutory enactment to local authorities in Scotland out of the Local Taxation (Scotland) Account shall, during the continuance of this Act, if the Secretary for Scotland by order so prescribes, be allocated and distributed in manner provided by the said enactments respectively on the basis of the last allocation and distribution of the same before the passing of this Act.

## **23 Application to Ireland**

In the application of this Act to Ireland the following provisions shall have effect:—

- (1) References to the Local Government Board shall be construed as references to the Local Government Board for Ireland, and references to the Local Taxation Returns Acts, 1860 and 1877, shall be construed as references to subdivision (5) of Article twenty of the schedule to the Local Government (Application of Enactments) Order, 1898 :
- (2) It shall not be necessary to include in or append to the annual report of the Local Government Board for Ireland the statements as to orders and directions in respect of outdoor relief required by section twenty-one of the Poor Relief (Ireland) (No. 2) Act, 1847, or the statement as to audit of union accounts required' by section twenty of the Poor Relief (Ireland) Act, 1849 :

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- (3) It shall be a sufficient compliance with the requirements of section twenty-nine of the Poor Relief (Ireland) Act, 1847, if a general statement as to the expenditure on the relief of the poor and the total number relieved in Ireland is laid before Parliament instead of an account of the expenditure and number relieved in each union:
- (4) Subsection (1) of section one of the Poor Relief (Ireland) Act, 1914, shall be amended by the insertion of the words " or for the better administration of the Poor Relief (Ireland) Acts, 1838 to 1900, " after the words " present war," and by the omission of the words " for the said purpose " :
- (5) The expression " highway authority " means the county council, county borough council, or urban district council, as the case requires.

## **24 Short title and duration**

- (1) This Act may be cited as the Local Government (Emergency Provisions) Act, 1916.
- (2) This Act, except the provisions of sections two, three, sixteen, seventeen, eighteen and paragraph (4) of section twenty-three thereof, shall have effect only during the continuance of the present war and afterwards for such period or periods (if any) not exceeding one year as the Local Government Board may fix ; and the Board may fix different periods for different provisions of the Act.